

REMARKS

Claims 10 through 18 and 20 were presented for examination in the present application and remain pending for consideration upon entry of the instant response.

Claims 10, 12, 13, 15, 17, 18, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,903,025 ("Farrington") in view of U.S. Patent No. 5,262,043 ("Boenigk"). Claims 11 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Farrington in view of Boenigk and further in view of U.S. Patent No. 3,285,760 ("Hildinger"). Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Farrington in view of Boenigk and further in view of GB 690,859 ("Crawley").

Applicants would like to express thanks and gratitude to Jerry Lorengo, Supervisory Patent Examiner, Art Unit 1793, for conducting an Examiner Interview with Applicants on April 29, 2009. It was particularly pointed out to and acknowledged by Examiner Lorengo that the organic binder agents recited by claim 10 uses the term "consisting essentially of". This has a very important effect on the claim scope of the pending claims.

Independent claim 10 recites, in part, "A method for manufacturing carbon-bonded refractory products, comprising: using organic binder agents consisting essentially of a powdery, graphitable coal-tar pitch with a benzo[a]pyrene content less than 500 mg/kg and a coking value of at least about 80% by weight according to DIN 51905 and a graphitable binder agent that is liquid at room temperature with a coking value of at

least about 15% by weight and a benzo[a]pyrene content less than 500 ppm according to DIN 51905, wherein said liquid graphitable binder agent consists essentially of a concentration of said powdery, graphitable coal-tar pitch in an amount of 10 to 65% by weight in a high boiling aromatic oil (emphasis added)".

It is very important to note that claim 10 requires organic binder agents that consist essentially of a powdery, graphitable coal-tar pitch and a graphitable binder agent. This is contrary to the claimed binder composition of Farrington which requires additional components not included within the claim scope of claim 10.

Specifically, claim 1 of Farrington recites "A refractory molding composition comprising:... 3 to 8% by weight of a binder composition comprising 1. 10 to 40% by weight pitch; 2. 25 to 80% by weight of an aqueous solution containing from 40% to 60% by weight of ammonium or metal lignosulfonate or phenolaldehyde resin; 3. 10 to 35% by weight of an organic solvent solution containing from 60% to 100% of an alkyd resin (emphasis added)".

It is clear that the binder composition of Farrington requires the inclusion of pitch, an aqueous solution, and an organic solvent solution. The binder agents recited by claim 10 do not, and cannot, include either an aqueous solution or an organic solvent solution.

The Office Action acknowledges that "3,903,025 ["Farrington"] does not teach the use or process of producing a coal tar pitch with the properties outlined by the instant claims, where in 3,903,025 a more generic pitch is used". See,

pg. 3, second full paragraph. However, the Office Action asserts that "It would have been obvious to one of ordinary skill in the art to use the organic binder agents of 5,262,043 in the process of 3,903,025, in place of Farrington's binder". See, pg. 4, fourth paragraph. Applicants respectfully disagree.

Even if it were assumed that the coal tar pitch recited in Boenigk were equivalent to the coal tar pitch recited by claim 10, one of ordinary skill in the art could not simply substitute the pitch of Boenigk into the binder composition of Farrington as asserted in the Action, since it still would not disclose or suggest the binder agents of claim 10. In addition to pitch, the binder compositions of Farrington require an aqueous solution and an organic solvent solution. Thus, in addition to substituting the pitch, the binder compositions of Farrington would have to be further modified to remove both the aqueous solution and the organic solvent solution. Thus, Farrington would need to be further modified to defeat the purpose of Farrington.

Accordingly, the cited combination of art fails to disclose or suggest claim 10. For at least these reasons, claim 10 is in condition for allowance.

In addition, as noted above, the method recited by claim 10 requires the use of a powdery, graphitable coal-tar pitch and a graphitable binder agent. Consequently, the method produces carbon-bonded refractory products having a fully, graphitable structure. The refractory molding compositions of Farrington that include a binder composition having an aqueous solution, simply cannot have a fully, graphitable structure because of the

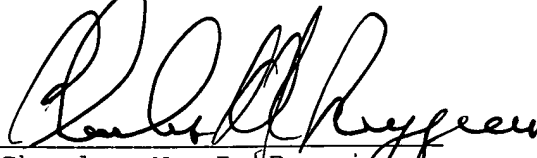
presence of the ammonium or metal lignosulfonate and the alkyd resin.

For each of the above stated reasons, Applicants respectfully submit that the cited combination of art fails to disclose or suggest the method recited by claim 10. Claim 10 is in condition for allowance. Claims 11 through 18 and 20 depend from independent claim 10 and are in condition for allowance for at least the reasons set forth above with regard to claim 10. Reconsideration and withdrawal of the rejections to claims 10 through 18 and 20 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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